

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

DERRICK A. MILBOURNE, on behalf of  
Himself and All Others Similarly Situated

Plaintiff,

v.

JRK RESIDENTIAL AMERICA, LLC,

Defendant

Civil Action No. 3:12-cv-00861

**DECLARATION OF MIKE MOERSCHBACHER IN SUPPORT OF DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

I, Mike Moerschbacher, declare as follows:

1. I am the head of Human Resources for JRK Residential America, LLC ("JRK"). I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently hereto.

2. Since 2009, JRK has contracted with U.S. Background Screening to process background checks and adverse action notifications for applicants.

3. U.S. Background Screening, Inc. claims to have been in business since 1999 and asserts, "The majority of our staff is comprised of professionals who have devoted their entire careers to Pre-Employment Screening, Human Resources, Public Records Research, and Employment Law." For example, U.S. Background Screening makes these claims on its website, available at <http://www.usbscorp.net/about-usbs.php>.

4. Attached as Exhibit 1 is a true and correct copy of the May 29, 2009 email between Andrew Klein of U.S. Background Screening and Melody Martin Salazar of JRK, as well as the attachments to the email.

5. JRK continues to retain U.S. Background Screening for its employment law expertise and to ensure JRK's hiring procedures continue to comply with state and federal laws.

6. JRK provided every applicant for whom a background check was run during the class period with the disclosure and authorization form approved by U.S. Background Screening, an example of which was provided to Mr. Milbourne. A true and correct copy of Mr. Milbourne's disclosure and authorization form is attached hereto as Exhibit 2.

7. If an applicant was denied employment on the basis of information in their consumer report, JRK and U.S. Background Screening sent the applicant a "Notice of Adverse Action" along with a copy of their consumer report, an example of which was provided to Mr. Milbourne. A true and correct copy of Mr. Milbourne's "Notice of Adverse Action" letter is attached hereto as Exhibit 3.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 13, at Los Angeles, California.



Mike Moerschbacher

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of October, 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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